

### **FORMAL DRAWINGS - ACKNOWLEDGED**

Applicant thanks the Examiner for acknowledgment and approval of the formal drawings filed with the application.

### **REJECTIONS UNDER 35 USC §103 - WITHDRAWN**

Applicant thanks the Examiner for the indication that all 35 USC §103 rejections are withdrawn in response to the Amendment filed 2 July 2002.

### **PENDING CLAIMS**

Claims 46-60 were pending in the application at the time of the Office Action, under consideration and subject to examination. Unrelated to any prior art rejection, appropriate claims have been amended in order to refocus Applicant's claimed invention to features of present commercial interest. For example, Claims 55 and 59 are minorly amended herein to correct mere informalities in the claims. The amendments to the claims are unrelated to any prior art or scope adjustment, and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 46-60 remain pending for further consideration and examination in the application.

### **CLAIM OBJECTIONS OBVIATED VIA CLAIM AMENDMENT**

Claims 55-60 were objected to because of the Office Action concerns listed at Item 7 spanning pages 3 and 4 of the Office Action. As amendments have been made where appropriate in order to address each of the Office Action listed



concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

#### **DOUBLE PATENTING REJECTION - STATUTORY DISCLAIMER FILED**

The judicially-created (non-statutory) double patenting rejection of Claims 46-54 as set forth in Items 9-17 spanning pages 5-20 of the Detailed Action based on various claims published in USP 6,282,611 is traversed. However, in order to travel a path of least resistance in obtaining a patent for the present application, submitted herewith is an executed Statutory Disclaimer to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested.

The above statements, and the filing of a Statutory Disclaimer, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural approach to obviate the rejection. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorney at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.



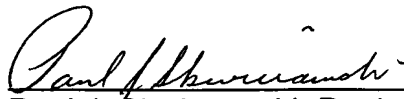
### INDICATION OF CHANGES MADE

Attached hereto is "Appendix A-Marked Version" showing amendments made herein with additions and deletions indicated by underlining and brackets, respectively.

### CONCLUSION

Applicant respectfully petitions the Commissioner for an appropriate extension of the shortened statutory period for response set by the 18 September 2002 Action. Attached hereto is a Form PTO-2038 authorizing payment of the requisite Petition fee, and the requisite Disclaimer fee for the attached Statutory Disclaimer. To whatever other extent is necessary, Applicant respectfully petitions for an extension under 37 CFR §1.136. Please charge any deficiencies in appropriate fees to ATS&K Deposit Account No. 01-2135 (as Order No. 500.31310CX2).

Respectfully submitted,



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### ATTACHMENTS:

Appendix A-Marked Version  
Statutory Disclaimer  
Associate Power of Attorney  
Form PTO-2038



**APPENDIX A-MARKED VERSION**

55.(Once Amended) A memory apparatus having a playback circuit [remotely] removably connected with a digital signal source to store digital data received from said digital signal source and to reproduce the digital data stored therein independently [for] of said digital source, comprising:

- a memory circuit for storing said digital data from the digital signal source;
- a playback circuit for reproducing said digital data stored in said memory circuit;

- an inner battery; and

- a battery switch,

wherein said battery switch enables to use power from said digital source having a higher operating voltage than that of said inner battery when said memory circuit stores said digital data in a condition of connecting to said digital source, and to use power from said inner battery when said playback circuit reproduces said digital data in a condition of being removed from said digital source.

59.(Once Amended) A memory apparatus according to Claim 55, wherein said inner battery is a rechargeable battery; and where said memory apparatus [further comprising] comprises a recharge circuit to use said higher operating voltage from said digital source to [rapid] rapidly recharge said rechargeable battery during data transfer from said digital source to said memory apparatus.